

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

FAO No.534 of 2006 (O&M)

Date of Decision: 04.08.2006

Bimla Devi and another.

... Appellants

Versus

Kishan Chand and others.

... Respondents

CORAM : HON'BLE MR. JUSTICE UMA NATH SINGH
HON'BLE MR. JUSTICE S.D. ANAND

Present : None.

UMA NATH SINGH, J.(ORAL)

No one is present in the second round after pass over.

Filing of the FAO is barred by 159 days' delay. The explanations given for delay in para nos.2 and 3 of the application, on reproduction, reads as under:-

“2. That the appellants had earlier filed appeal against the judgment and order dated 31.1.2005 and 26.2.2005 passed by Motor Accident Claims Tribunal, Patiala. The said appeal was filed vide diary No.0-12860 dated 4.5.2005. The said appeal was returned with certain objections. The same was re-filed again on 31.5.2005 vide diary No.0-16354. Again the said appeal was returned with certain objections.

3. That thereafter the clerk to the undersigned counsel failed

to collect the said appeal from the registry or has mis-placed it some where. Due to these circumstances the appellant is constrained to file fresh appeal against the orders abovenoted.”

We do not find sufficient cause for condonation of delay and that apart, as per ratio of a judgment of Hon'ble the Apex Court reported in AIR 1998 SC 2276 (P.K. Ramachandran versus State of Kerala and another), we cannot extend the limitation on equitable ground.

Hence, this FAO is dismissed on the ground of delay.

(UMA NATH SINGH)
JUDGE

August 04, 2006
vkd

(S.D. ANAND)
JUDGE